

AG Contract No KR00 0605TRN
ADOT ECS File No JPA 00-48
Project: STP-026-2(46)P/H4859 01C
Section: US-60 Show Low Streets

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SHOW LOW

THIS AGREEMENT is entered into 18 December 2000,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") and the CITY OF SHOW LOW, acting by and through its MAYOR and CITY
COUNCIL (the "City")

I. RECITALS

1 The State is empowered by Arizona Revised Statutes Section 28-401 to enter into
this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated to the undersigned the
authority to execute this agreement on behalf of the State

2 The City is empowered by Arizona Revised Statutes Section 48-572 to enter into
this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized the undersigned to execute
this agreement on behalf of the City

3 The State and the City desire to participate in the design, construction, operation
and maintenance of approximately 28 new street lights warranted on US-60 in the City,
hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as
follows:

NO 24379
Filed with the Secretary of State
Date Filed. 12/18/00
Patricia Gayles
Secretary of State

Wicky D. Greenewald

II. SCOPE OF WORK

1. The State will:

a. Provide to State standards design plans, specifications and such other documents necessary for construction bidding and construction. Incorporate City review comments.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractors. Be responsible for all costs associated with design and construction of the Project, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

c. Upon completion, approve and accept the Project as complete on behalf of the parties hereto.

2. The City will:

a. Review the design documents and provide comments.

b. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

c. Upon completion of the Project, provide maintenance to the Project and electrical energy to operate the street lights, all at City expense.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows.

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Show Low
City Manager
200 West Cooley Street
Show Low, AZ 85901

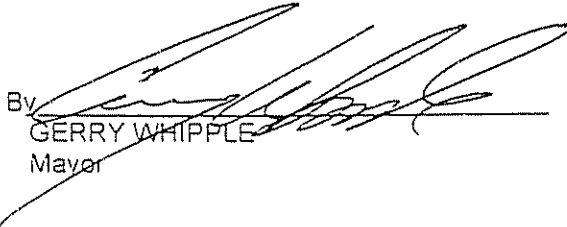
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written

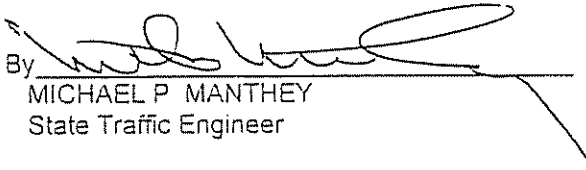
CITY OF SHOW LOW

STATE OF ARIZONA
Department of Transportation

By


GERRY WHIPPLE
Mayor

By


MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

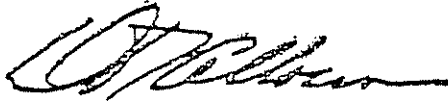
By


ELIZABETH A. BURKE
City Clerk

RESOLUTION

BE IT RESOLVED on this 24th day of April 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Show Low for the purpose of defining responsibilities for the design, construction and maintenance of street lights along US-60 in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

CITY OF SHOW LOW RESOLUTION NO. 863

A RESOLUTION OF THE CITY OF SHOW LOW CITY COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SHOW LOW AND THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE PURPOSE OF DEFINING RESPONSIBILITIES FOR INSTALLATION AND OPERATION OF APPROXIMATELY 28 NEW STREET LIGHTS WARRANTED ON US 60 (WEST DEUCE OF CLUBS) IN THE CITY OF SHOW LOW, ARIZONA

RECITALS:

WHEREAS, the State of Arizona is empowered by A.R.S. Section 28-401 to enter into agreements with other governmental agencies; and

WHEREAS, the City of Show Low is empowered by A.R.S. Section 48-572, and Show Low City Code Section 2-1-2 to enter into agreements and authorize the Mayor to execute said agreements on its behalf; and

WHEREAS, the City and the State desire to participate in the design, construction, operation and maintenance of approximately 28 new street lights warranted on US 60, West Deuce of Clubs, Show Low, Arizona.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Council of the City of Show Low hereby approve an Intergovernmental Agreement between the City of Show Low and the State of Arizona for the purpose of defining responsibilities for the installation and operation of approximately 28 street lights warranted on US 60, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign said agreement on behalf of the City of Show Low.

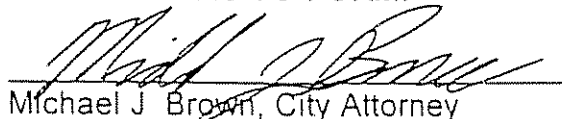
PASSED AND ADOPTED this 21st day of November, 2000, by the Mayor and Council of the City of Show Low, Arizona.


Gerry Whipple, Mayor

ATTEST:


Elizabeth A. Burke, City Clerk


APPROVED AS TO FORM:


Michael J. Brown, City Attorney

APPROVAL OF THE SHOW LOW CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SHOW LOW and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 21st day of November, 2000.


City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8855

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

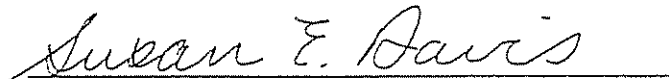
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-0605TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED December 11, 2000.

JANET NAPOLITANO
Attorney General



SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

659348



JANE D HULL
Governor

MARY E PETERS
Director

ARIZONA DEPARTMENT OF TRANSPORTATION

INTERMODAL TRANSPORTATION DIVISION
JOINT PROJECT ADMINISTRATION
205 South 17th Avenue - Room 293E, Mail Drop 616E
Phoenix, Arizona 85007



EDWARD D WRIGHT
State Engineer

E JACK HAMMITT
Joint Project
Administrator

17 July 2001

Mr. Rob Emmett, Director
City of Show Low Public Works Department
200 West Cooley
Show Low, AZ 85901

Re: Project: H4859 01C / *H5068 01C*
Section: US-60 Show Low Streets Lighting
Agreement JPA ~~00-201~~ *00-48*
Amendment No. 1

Dear Mr. Emmett:

Changes in the above referenced agreement are warranted to address new work by the State on behalf of, and requested by the City, for the installation of ground fault interrupters (GFI's), at an additional cost of \$20,100.05. To contractually address the issue, we may use this instrument as amendment number 1. Therefore, so much of paragraph II.2.d is **added** to the agreement: "Within 30 days after receipt of an invoice, pay the State \$20,100.05 as the cost of lighting GFI's."

All other terms and conditions of the agreement remain the same.

To properly memorialize this amendment, and to insure a meeting of the minds, please indicate your concurrence of this amendment in the space provided below and return one original of this instrument to the undersigned at the above address to the attention of Mail Drop 616E. Questions may be directed to the undersigned at (602) 712-8369 or Mr. Neff at 520-537-3533.

Sincerely,

E Jack Hammitt
E Jack Hammitt, CPM
Joint Project Administrator

Concur for the City of Show Low:

By *[Signature]*

Date 7/31/01
(date)